

RECEIVED
CENTRAL FAX CENTER

BINGHAM McCUTCHEN

DEC 15 2006

Facsimile

DATE: December 15, 2006

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

650.849.4400
650.849.4800 fax

bingham.com

Boston
Hartford
London
Los Angeles
New York
Orange County
San Francisco
Silicon Valley
Tokyo
Walnut Creek
Washington

	NAME	FAX	PHONE
TO:	Examiner Thomas R. Artman United States Patent and Trademark Office	571-273-8300	571-272-2485

FROM: Sheila Badon (650) 849-4800 (650) 849-4455
sheila.badon@bingham.com

PAGES: (INCLUDING THIS COVER PAGE): 16

RE: U.S. Patent Application Serial No. 10/037,477
Entitled: METHOD AND APPARATUS FOR IRRADIATING A TARGET
Date Filed: January 2, 2002
Inventor: Yoshihiro Takai, Wolfgang W. Kaissl, Marcel R. Marc, John C. Ford,
Shogo Yamada, Masatoshi Mitsuya
Attorney Docket No. VM7012072001

MESSAGE:

Certificate of Transmission (37 C.F.R. § 1.8(a)):

Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Thomas R. Artman, (Group Art Unit 2882) at Facsimile No. (571) 273-8300.

Dated: December 15, 2006

Name of Person Certifying: *Sheila Badon*
Printed Name: Sheila Badon

Enclosed:

- Transmittal (1 pg);
- Amendment After Final (13 pgs).

For transmission problems, please call (650) 849-4825

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

Timekeeper No:	27577	Client/Matter No:	2018721-7012072001	DATE/TIME STAMP
Client/Matter Name:	Varian Medical Systems Technologies, Inc.			
Return To:	Sheila Badon	Floor No:	04	

PA/52193597.1

DEC 15 2006

PTO/SB/21 (08-04)

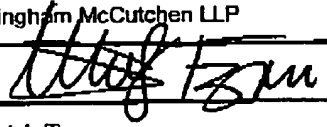
Approved for use through 07/31/2006. OMB 0851-0031

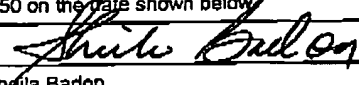
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/037,477	
	Filing Date	January 2, 2002	
	First Named Inventor	Yoshihiro Takai et al.	
	Art Unit	2882	
	Examiner Name	Thomas R. Artman	
Total Number of Pages In This Submission	14	Attorney Docket Number	VM7012072001

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (13 pgs.) <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet to Examiner
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Bingham McCutchen LLP		
Signature			
Printed Name	Erich Tzou		
Date	December 15, 2006	Reg. No.	56,927

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Sheila Badon	Date	December 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6189 and select option 2.

RECEIVED
CENTRAL FAX CENTERPatent
DEC 15 2006 VM7012072001
Varian 02-001

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Thomas R. Artman at Facsimile No. 571-273-8300.

Dated: December 15, 2006Name of Person Certifying: Sheila BadonPrinted Name: Sheila Badon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshihiro Takai, et al.

Serial No.: 10/037,477

Filed: January 2, 2002

For: METHOD AND APPARATUS FOR
IRRADIATING A TARGET

Group Art Unit: 2882

Examiner: Artman, Thomas R.

AMENDMENT AFTER FINAL

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed on October 17, 2006, Applicant respectfully submits the following remarks. Applicant notes that the amendment filed on October 27, 2006 was crossed in the mail with the current Office Action, and was therefore, not considered by the Office. Applicant hereby resubmits the voluntary amendment filed on October 27, 2006.

Amendments to the Claims begin on page 2.

Remarks begin on page 12.